

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE:

Mark B. Rasmusson, 6578,
aka Mark Benjamin Rasmusson,

Debtor(s).

Case No. 7 06-12060 MA

ORDER GRANTING WELLS FARGO BANK, N.A.
RELIEF FROM AUTOMATIC STAY REGARDING PROPERTY LOCATED AT 21 LA SOMBRA
DR SE, LOS LUNAS

THIS MATTER having come before the Court on the Motion for Relief from Stay Regarding Property located at 21 La Sombra Dr SE, Los Lunas, pursuant to 11 U.S.C. Section 362(d), filed by the Creditor Wells Fargo Bank, N.A. on November 21, 2007; a Notice of Objection Deadline for Motion for Relief from Automatic Stay and Motion for Relief from Stay Regarding Property located at 21 La Sombra Dr SE, Los Lunas were transmitted to the Debtor(s), attorney for the Debtor(s), and Trustee on November 21, 2007, the objection deadline was December 14, 2007 and the time to file an objection to the Motion has passed, and no objection has been received from the Debtor(s), attorney for the Debtor(s) or Trustee; the attorney for the Creditor, having certified by her signature herein, that she has complied with the Soldiers and Sailors Civil Relief Act, through receipt of a response from the Department of Defense Manpower Data Center, which states that Mark B. Rasmusson is not a member of the military service of the United States nor her allies; and the Court having considered the Motion and finding that Creditor is entitled to an Order terminating the automatic stay imposed by the filing of the bankruptcy action, and being otherwise advised in the premise;

IT IS, THEREFORE, THE ORDER OF THIS COURT that the automatic stay imposed by the filing of the above-entitled and numbered cause of action as the same pertains to the Debtor(s) and to certain property located in the County of Valencia, State of New Mexico, and more particularly described as:

Lot Numbered Seven (7), of La Sombra Subdivision, a subdivision in Valencia County, New Mexico, as the same is shown and designated on said plat filed with the Valencia County Clerk on June 18, 1979, in Cabinet C, folio 24

and having an address of 21 La Sombra Dr SE, Los Lunas, New Mexico, is hereby modified, and the Creditor, its successors, assigns and/or real party in interest, and any and all junior lienholders are permitted to proceed with foreclosure action in the Judicial District Courts of the State of New Mexico, including the transmittal of any default letter required by the loan documents.

IT IS FURTHER THE ORDER OF THIS COURT that the failure of the Trustee to object shall act as a disclaimer of interest in and to the real property which is the subject matter of this action, but shall not be a disclaimer to excess proceeds, if any, resulting from the foreclosure sale. The Creditor, its successors, assigns and/or real party of interest, shall not be required to name the Trustee as a Defendant in its foreclosure action.

IT IS FURTHER THE ORDER OF THIS COURT that any deficiency owed by the Debtor(s) to the Creditor, its successors, assigns and/or real party in interest, after foreclosure sale shall be set forth in a Proof of Claim filed by the Creditor, its successors, assigns and/or real party in interest, and shall be subject to the Bankruptcy Code should this bankruptcy continue.

IT IS FURTHER THE ORDER OF THIS COURT that this Order shall retain its effect and validity should this case be converted to a Chapter 13 proceeding, and Creditor shall be able to foreclose its interests in the appropriate Court.

IT IS FURTHER THE ORDER OF THIS COURT that the ten (10) day stay requirement of F.R.B.P. 4001(a)(3) is waived.


Mark B. McFeeley
U S BANKRUPTCY COURT JUDGE

SUBMITTED BY:

SUSAN C. LITTLE & ASSOCIATES, P.A.
By: S/electronically submitted/ 12.21.07
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FOR INFORMATION PURPOSES ONLY:

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Debtor
21 La Sombra Dr SE
Los Lunas, NM 87031

Bankruptcy of Mark B. Rasmusson; USBC No. 7 06-12060 MA; Wells Fargo Loan no. 0143035038; P/A: 21 La Sombra Dr. SE Los Lunas, NM 87031